

# **STATE OF ALABAMA ETHICS COMMISSION**



**ANNUAL REPORT  
FISCAL YEAR  
2006-2007**



# STATE OF ALABAMA ETHICS COMMISSION



## COMMISSIONERS

John H. Cooper, Esq., Chair  
Cameron McDonald Vowell, Ph.D., Vice-Chair  
Michael K.K. Choy, Esq.  
Linda L. Green  
Nancy Edwards Eldridge

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The Honorable Bob Riley, Governor  
State of Alabama  
Montgomery, Alabama 36130

Dear Governor Riley:

On behalf of the Alabama Ethics Commission, I respectfully present to you and the Alabama Legislature our Annual Report for fiscal year 2006-2007, in compliance with Section 36-25-3(c), Code of Alabama, 1975. Included are details of our actions during the year as we strive to fulfill the responsibilities with which we are charged.

Our Commissioners and Staff are very proud of our accomplishments during this fiscal year, and following are some of the highlights:

- In fiscal year 2006-2007, we received and investigated **198** complaints, issued **15** formal Advisory Opinions and **61** informal Advisory Opinions.
- We continued the process with regard to our Statements of Economic Interests by again asking the nearly 1,000 state, county and municipal entities to provide their public officials, employees and candidates for elective office with a copy of an enclosed Statement of Economic Interests form or enclosed instructions to download the form from our Web Site.
- Our Educational Programs presented throughout the state totaled **52**, and these seminars were attended by **2,511** public officials and public employees, compared to 40 seminars presented and 3,027 attendees the previous year. To provide additional ethics training for public officials and employees, we have prepared a seminar package containing a video tape, or DVD depending upon the entity's preference, of an Ethics Seminar previously presented by James L. Sumner, Jr., Director, to enable the entities to conduct Ethics seminars for future incoming personnel.
- During 2007, we were able to purge a very significant volume of Statement of Economic Interests forms and Lobbyist/Principal forms from previous years. A total volume of **322** cubic feet of obsolete Statement of Economic Interests forms records were destroyed by our agency. A total of **101** cubic feet of permanent records, i.e., previous Statement of Economic Interests forms of state elected/appointed officials and agency heads along with Lobbyist and Principal forms were transferred to the State of Alabama Department of Archives and History for permanent retention.

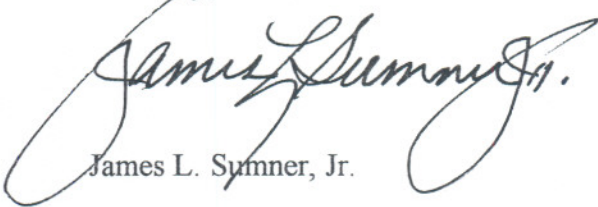
The Honorable Bob Riley, Governor  
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●Our Web Site continues to receive a very substantial number of visits. Our Web Site's first year in operation had 321,390 visits and an average of 582 "hits" per day. These visits have now grown to **1,278,804** for this fiscal year and the average of "hits" per day has grown to **3,946**. Included are all of our fully text-searchable Advisory Opinions since 1995, the full text of the Alabama Ethics Law, Statement of Economic Interests forms, Annual Report, Guidelines for Public Officials/Employees and Lobbyists/Principals, all Lobbyist and Principal registration and reporting forms, the current Registered Lobbyist List, and general contact information.

●This was a record lobbyist year, **659** lobbyists registered; **117** of these for the first time. A total of **781** principals were represented. The growth in registered lobbyists in the **15-year period** from **1992 to 2007** was significant (from 372-659) – an increase 287 lobbyists or **177%**. The total number of principals employing lobbyists in the 15-year period from 1992 to 2007 was also significant (from 356-781) resulting in an increase of **425** principals or **220%**.

Our Commissioners and Staff are committed to fulfilling our responsibilities to the citizens of the state of Alabama to the fullest extent possible and greatly appreciate your support of the Alabama Ethics Commission.

Sincerely,

A handwritten signature in black ink, reading "James L. Sumner, Jr.", with a large, stylized flourish extending from the end of the signature.

James L. Sumner, Jr.

**Annual Report**  
**Fiscal Year**  
**2006-2007**  
**of the**  
**Alabama Ethics Commission**  
**is presented to the**  
**Governor**  
**and the**  
**Alabama Legislature**  
**in compliance with**  
**Section 36-25-3(c), Code of Alabama, 1975**

**Alabama Ethics Commission**

**RSA Union Building, Suite 104**

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**Montgomery, Alabama 36104**

**Telephone: 334/242-2997**

**Fax: 334/242-0248**

**Web Site: [www.ethics.alalinc.net](http://www.ethics.alalinc.net)**

**James L. Sumner, Jr., Director**

## ETHICS COMMISSION MEMBERS

### COMMISSIONERS

### TERM EXPIRES

Nancy Edwards Eldridge, Andalusia (Chair, 2006-07)	2007
John H. Cooper, Esq., Birmingham (Vice Chair, 2006-07)	2008
Cameron McDonald Vowell, Ph.D., Birmingham	2009
Michael K. K. Choy, Esq., Birmingham	2010
Linda L. Green, Huntsville	2006

## ETHICS COMMISSION STAFF

**James L. Sumner, Jr., Director**  
**Hugh R. Evans, III, General Counsel**  
**Charles A. Aldridge, Chief Special Agent**  
**Barbi Lee, Fiscal Officer**  
**Marie P. Malinowski, Chief, Administrative Division**  
**Julie Davis, Executive Secretary/Recording Secretary**  
**Theresa Davis, Legal Research Assistant**  
**David Green, Special Agent**  
**Julie Kerce, Clerk**  
**Art Price, Special Agent\***  
**Josh Roper, Clerical Aide**  
**Cathy Taylor, Clerk**  
**Joan Ward, Administrative Support Assistant II**  
**Loretta Webb, Clerk**  
**Janice Wolfe, Administrative Support Assistant I/Receptionist**  
 \*Retired

## **ETHICS COMMISSIONERS**

### **Nancy Edwards Eldridge**

Nancy Edwards Eldridge was confirmed by the Alabama Senate to serve on the Alabama Ethics Commission on April 11, 2002. Her term expired on August 31, 2007. She was elected Chair at the August 2, 2006, Commission Meeting. Mrs. Eldridge is currently the practice manager for Covington Pediatrics. After graduating from Auburn University in 1975, with a B.S. degree in Housing, Interior Furnishing and Equipment, she moved to Conroe, Texas. She was Assistant to the Vice President of Texas Commerce Bank and acquired her Texas Real Estate Broker's License. In 1984, Mrs. Eldridge founded Landmark Properties, a residential construction company. Mrs. Eldridge moved to Andalusia, Alabama in 1992 and opened the Snap Dragon Interiors and Gifts in 1993. She is married to Charles Eldridge and they have four children, Jonathan, Billy, Charles Thomas, and Michael. She is a member of First United Methodist Church of Andalusia, serving as Worship Committee Chairman, member of Staff Parish Relations Committee and Children's Choir Director. Mrs. Eldridge has served on the area Little League Board, Andalusia High School Athletic Boosters, and parent representative with Southern Association of Colleges and Schools.

### **John H. Cooper, Esq.**

John H. Cooper, Esq. was confirmed by the Alabama Senate on May 4, 2004, to serve a term on the State of Alabama Ethics Commission to begin on May 5, 2004, and expire on August 31, 2008. He was elected Chair at the August 1, 2007, Commission Meeting. Mr. Cooper was born in 1953 in St. Louis, Missouri and graduated from S.R. Butler High School in Huntsville, Alabama, in 1971. He received a Bachelor of Arts degree in Political Science from the University of Alabama in Huntsville, a J.D. from the University of Alabama School of Law, and an L.L.M. Degree in Taxation from New York University School of Law. In 1980, Mr. Cooper joined the law firm of Sirote & Permutt, P.C., as an associate and became a shareholder in 1983. He has served as President and C.E.O. of Sirote & Permutt since 1999. Mr. Cooper has served as an adjunct professor in the University of Alabama School of Law and in the law school's graduate tax program since 1982, where he teaches Advanced Corporate Tax. He is past president of the Alabama Chapter of the Arthritis Foundation. Currently, Mr. Cooper serves as Chairman of the Board of Directors of the Greater Birmingham Habitat for Humanity and is a member of the Vestavia Hills School Board. Mr. Cooper is married to Rhonda S. Cooper, and they have three daughters.

### **Cameron McDonald Vowell, Ph.D.**

Cameron McDonald Vowell, Ph.D., was confirmed by the Alabama Senate on April 6, 2004 for a term which began September 1, 2004 and expires August 31, 2009. Dr. Vowell was elected Vice Chair at the August 1, 2007, Commission Meeting. She has been active in community affairs since graduation from Hollins College in 1968. She has her Ph.D. in biochemistry from UAB and an MA in environmental sciences from the University of Texas at Dallas. She served for fourteen years on the Alabama Air Pollution Control Commission and its successor agency, the Alabama Environmental Commission. She served for nine years on the national Board of Governors of The Nature Conservancy and she currently serves on the Board of her *alma mater*, Hollins University. Dr. Vowell has worked with a number of groups which encourage philanthropy for causes affecting women and girls, including the Women's Fund, an endowment for projects benefitting women and girls. She has served for 11 years on the board of the Community Foundation of Greater Birmingham and on the boards of the Alabama Symphony, Gateway/Family and Child Services, and the Black Warrior/Cahaba Land Trust. Dr. Vowell has accepted appointments for boards, commissions and committees from city, state and county governments. Her

most recent activity is in the field of geriatrics. She serves on the Board of Counselors of the Center for Aging at UAB, and is active in promoting attention to geriatric issues across the community. Dr. Vowell and her husband Scott, Presiding Circuit Judge of Jefferson County, have one son.

**Michael K. K. Choy, Esq.**

Michael K.K. Choy, Esq. was confirmed by the Alabama Senate on May 3, 2005, to serve a term on the Alabama Ethics Commission that began on September 1, 2005, and ends on August 31, 2010. Mr. Choy was born in Queens, New York on July 29, 1958. He graduated from Holy Family Catholic High School in Birmingham in 1976. He received his Bachelor of Arts degree in Political Science from the University of Alabama at Birmingham in 1980, and received his Juris Doctorate from the Cumberland School of Law at Samford University in Birmingham in 1984. He was a law clerk to the Honorable U.W. Clemon, Chief Judge of the United States District Court for the Northern District of Alabama. After seven years as In-House Counsel with BellSouth Corporation, Mr. Choy entered private practice. He is presently a shareholder with the law firm of Haskell Slaughter Young & Rediker, LLC, where he practices civil litigation. He is a former Alabama State Bar Examiner, as well as a former member of the State Bar's Character and Fitness Committee. Mr. Choy is a Trustee for the J. Craig and Page T. Smith Scholarship Foundation, which benefits Alabama high school seniors who are first in their family to attend college. He has two daughters.

**Linda Lloyd Green**

Linda L. Green was confirmed by the Alabama Senate on January 17, 2002 to serve a term which expired August 31, 2006. Ms. Green has continued to serve until her successor is confirmed. She was elected Chairman at the August 3, 2005, Commission Meeting. Mrs. Green was born in 1951 in Huntsville, Alabama and graduated from Huntsville High School in 1969. She has a B.S. degree from the University of Alabama and an MS degree from Auburn University. She also holds NASD licenses – Series 7, Series 24 and Series 63. Beginning in 1976, and ending in 1993, Mrs. Green worked for Parisian, Inc. During this time she served in a number of roles before managing each of the two stores in Huntsville. Since 1993, she has worked for Colonial Bank. From 1993 – 2004 she served as CEO and President of the Northern Region. In May 2004, she was promoted to the position of EVP Colonial BancGroup – Wealth Management Director. Professional and Civic activities include serving as a member of the Board of Directors of Intergraph Corporation, Treasurer and Executive Committee of UAH Foundation and Vice-Chair of Volunteers of America. Her past involvement is varied, including Vice-Chair and Chair of the Alabama Space Science Exhibit Commission, the Von Braun Center Board of Control, the Alabama State Banking Board, 1998 Chair for the Huntsville/Madison County Chamber of Commerce, the Board of Directors of United Way, and numerous other civic and charitable organizations. Mrs. Green is married to Randy Green, and they have one son and daughter-in-law.

## PURPOSE, POWERS AND DUTIES

The Alabama Ethics Commission was established in 1973 by Act No. 1056 of the Alabama Legislature which has subsequently been amended by Acts 75-130, 76-460, 79-697, 82-429, 86-321, 92-342, 95-194, 97-651 and Act. No. 2001-474. The major objectives of this law are to ensure that public officials are independent and impartial; that decisions and policies are made in the proper governmental channels; that public office is not used for private gain; and, most importantly, that there is public confidence in the integrity of government.

The members of the Alabama Ethics Commission are appointed by the Governor, Lieutenant Governor and Speaker of the Alabama House of Representatives with confirmation required by the Alabama Senate.

Duties and responsibilities of the Commission in implementing the Ethics Law include preparing and furnishing required disclosure forms; preparing and publishing reporting procedures; making reports and statements filed with the Commission available for review by the public; investigating alleged violations of the Ethics Law; issuing and publishing Advisory Opinions; presenting educational programs on matters of Ethics in government service; preserving statements and reports for four years; and promulgating rules and regulations.

<b>Furnish Disclosure Forms</b>	<b>Publish Procedures</b>	<b>Make Statements Available to Public</b>
<b>Investigate Alleged Violations</b>		<b>Issue And Publish Advisory Opinions</b>
<b>Present Educational Programs</b>	<b>Preserve Statements</b>	<b>Promulgate Rules And Regulations</b>

## SIGNIFICANT EVENTS

### I. Meetings

**In Fiscal Year 2006-2007**, following the 2003-2004 budget constraints, the Alabama Ethics Commission continued the change in the frequency of Commission Meetings and met on **six** occasions rather than the previous monthly meetings.

### II. Educational Programs

**In Fiscal Year 2006-2007**, **52** Educational Programs were presented throughout the State and were attended by **2,511** state, county and municipal public officials and employees. **Two** semiannual Ethics Seminars were presented in Montgomery with a total attendance of **50**. These seminars are open to all public officials/employees and are in addition to the seminars requested by state, county, and municipal entities, as well as civic and professional organizations. We feel this is particularly a good opportunity for departments/agencies to send new employees to ensure they understand the Ethics Law.

Following previous budget constraints, it was necessary to reduce our Ethics Seminars travel expense for state, county and municipal entities, as well as civic organizations. In an effort to provide needed information for public officials and employees, we prepared a package for these entities to conduct an Ethics video presentation for their personnel. The package contains a video tape (or DVD copy depending upon the entity's preference) of an Ethics Seminar presented by James L. Sumner, Jr., Director, and copies of Guidelines for Public Officials/Public Employees for Compliance under Alabama's Ethics Law, *Alabama Ethics Law, Code of Alabama, 1975*, "Top Ten List of Ways to Avoid Violating the Alabama Ethics Law" and instructions for downloading various Alabama Ethics Commission forms to be copied for their attendees.

### III. Complaints/Cases

**In Fiscal Year 2006-2007**, **198** complaints were filed with the Alabama Ethics Commission; **205** complaints were closed by the staff after preliminary review (**includes complaints/cases that were received prior to October 1, but closed during the current fiscal year**), **14** cases were presented to the Commission for consideration and ruling and of these, **two** cases were closed, **seven** were handled administratively, **four** were forwarded to the appropriate District Attorney or the Attorney General for further action, and **one** was continued for further investigation.

### IV. Advisory Opinions

**In Fiscal Year 2006-2007**, the Ethics Commission rendered **15** formal Advisory Opinions and **61** informal Advisory Opinions. Informal opinions are only issued when the question asked deals with a matter of black letter law or where the Commission has previously addressed the matter with a formal opinion. The full text of all formal opinions is no longer published in bound volumes due to budget constraints, but can be accessed on our Web Site.

**V. Digest of Advisory Opinions**

**In Fiscal Year 2006-2007**, following each Commission meeting, the Ethics Commission distributed a Digest of Advisory Opinions to the Governor, Attorney General, Cabinet Members, Examiners of Public Accounts, League of Municipalities, Association of County Commissions, various department heads and others.

**VI. Statements of Economic Interests**

**In Fiscal Year 2006-2007**, in order to comply with our legal responsibilities with regard to these forms, we continued the process of providing nearly 1,000 state, county and municipal entities with instructions and one copy of the Statement of Economic Interests form. They were requested to provide our office with a listing of their public officials/employees and candidates who were required to file and provide them with a copy of the Statement of Economic Interests form or provide them with instructions to download it from our Web Site, [www.ethics.alalinc.net](http://www.ethics.alalinc.net). A total of **45,012** Statement of Economic Interests forms were filed with the Ethics Commission this year.

**VII. Forms Viewed by the Public**

**In Fiscal Year 2006-2007**, on **757** occasions, Statements of Economic Interests forms were viewed or purchased by the public or media organizations as well as **81** copies of lobbyist or principal forms. The Center for Public Integrity in Washington, DC, purchased copies of **106** Statements of Economic Interests forms of executive branch officers, constitutional officers, governor's staff and department heads.

**VIII. General Fund Deposits**

**In Fiscal Year 2006-2007**, the Alabama Ethics Commission collected a total of **\$77,344.36**. Of this amount, **\$72,577.47** was deposited into the General Fund for Lobbyists' Registration Fees (\$47,800), Fines assessed by the Commission (\$3,100.00), and a Refund against a Prior Year Expenditure (\$21,677.47). The remaining **\$4,766.89** included Restitution payments (\$2,674.47), Copies of Forms (\$1,919.95), Lobbyists Lists (\$135.00) and Postage Reimbursements (\$37.47).

**IX. Commissioner Changes**

**In Fiscal Year 2006-2007**, at the August 2006 meeting of the Commission, Nancy Edwards Eldridge (Andalusia) was elected Chair and John H. Cooper, Esq. (Birmingham) was elected Vice Chair. The other three members were Cameron McDonald Vowell, Ph.D. (Birmingham), Michael K. K. Choy, Esq. (Birmingham) and Linda L. Green (Huntsville). At the August 2007 Commission meeting, John H. Cooper, Esq. (Birmingham) was elected Chair and Cameron McDonald Vowell, Ph.D. (Birmingham) was elected Vice Chair. The Commissioners are appointed jointly by the Governor, Lieutenant Governor, and Speaker of the House of Representatives. They are confirmed by the Alabama Senate and serve five-year terms. Linda L. Green (Huntsville) and Nancy Edwards Eldridge (Andalusia) will remain on the Commission until their replacements are confirmed by the Alabama Senate.

**X. Web Site for Alabama Ethics Commission: [www.ethics.alalinc.net](http://www.ethics.alalinc.net)**

**In Fiscal Year 2006-2007**, our Web Site continued to receive a very substantial number of visits. In its first year in operation, in fiscal year 1999-2000, it received 321,390 visits

and an average of 582 “hits” per day. These visits have now grown to **1,278,804** for this fiscal year and the average of “hits” per day has grown to **3,946**.

Included on the site are all Advisory Opinions of the Ethics Commission since the change of law in 1995 that are fully text-searchable, downloadable Statement of Economic Interests forms, Lobbyist and Principal Registration Forms, Quarterly Statement of Lobbying Activities and Principal’s Forms, Statement of Termination of Lobbying Activities (all lobbyist forms now may be downloaded, completed and printed), Guidelines for Public Officials/Employees and Lobbyists/Principals, Request for Access to Commission Records form, current Annual Report, “A Retrospective,” a historical overview of the Alabama Ethics Commission, written by our director, James L. Sumner, Jr., that appeared in the July 1999 issue of THE ALABAMA LAWYER, and general contact information, i.e., mailing and street addresses as well as main E-mail address, phone and facsimile numbers, staff directory, and names of current Commission members. The full text of the Alabama Ethics Law is included on our Web Site in an effort to not only make this available to those interested or having questions, but also to reduce our expenses. (In addition, Statement of Economic Interests forms are included for the convenience of public officials, employees and candidates which may be downloaded and printed.) The Registered Lobbyist List is also included on our Web Site and is updated on an ongoing basis. Included along with this current lobbyist list are “Guidelines for Lobbyists/Principals” and “Top Ten List of Ways Lobbyists Can Avoid Violating the Alabama Ethics Law.” We are enthusiastic about having these opinions, forms, and information readily available to the public on our Web Site and encourage its use.

## **XI. Registered Lobbyists**

At the end of Fiscal Year 2006-2007, **659** lobbyists had registered, representing **781** principals, a record year. Of these, **117** registered for the first time in 2007. The Alabama Ethics Law requires all lobbyists to register with the Commission by January 31 of each year or within 10 days after the first undertaking requiring such registration. Lobbyists and principals are required to file quarterly reports with the commission. Several years ago with the full support and cooperation of the Secretary of the Senate, the Clerk of the House and the leadership of both houses of the Legislature, “one-stop registration” with the Ethics Commission was established for lobbyists. Both houses ceased to register lobbyists, and now lobbyists and principals register only with the Ethics Commission. This has made the registration process much simpler while ensuring compliance with the law. Each year in mid-December, Lobbyist Registration Packages are mailed to all lobbyists registered the previous year, containing the Lobbyist Code of Ethics from the House of Representatives, “Top Ten List of Ways Lobbyists Can Avoid Violating the Alabama Ethics Law,” details regarding Prohibition of Contingency Fee Basis, guidelines, due dates of various forms, registration, quarterly and termination forms.

During periods when the legislature is in session, Registered Lobbyist lists are prepared and provided on a regular basis to the Secretary of the Senate and the Clerk of the House. In addition, our computer records are updated daily. The lists are also available for sale in our office as well as on diskettes in Microsoft Word.

Several relatively new subjects for lobbying were noted this year, such as Restoration of Voting Rights to People with Felony Convictions, Offender Monitoring, Eminent Domain, Sentencing Reform, Biotechnology, Homeland Security, Native Americans, Second Amendment Rights and Indigent Defense Reform.

The lobbying subject with the most lobbyists continues to be “Education” with **156** lobbyists who had listed education as the category or one of the categories of subject matters on which they intended to lobby and **104** Education Principals (i.e. colleges, universities, school boards, etc.). The subject of “Education” was followed closely by “Business” and “General Business” totaling **152** and “Healthcare” with **131** lobbyists. “Environmental” was listed by **78** lobbyists, **74** listed “Tax Issues,” **58** listed “Economic Development” and **53** listed “Insurance.”

State entities registered **166** staff members to lobby on their behalf. No registration fee is involved when state entity staff members register for his or her employer/principal. Twenty-seven towns and cities hired a lobbyist and several have hired two lobbyists.

In reviewing the **top five lobbyist firms**, the average number of principals was **33**, while the **top five principals** employed an average of **16** lobbyists. The **top seven lobbyist groups** employed an average of **seven** lobbyists.

The growth in registered lobbyists in the **15-year period** from **1992 to 2007** was significant, 372 in 1992 to **659** – an increase of **77.2%**. The total number of principals employing lobbyists this fiscal year was **781**. This is an increase of **425** principals or **119%** over the 15-year period.

After receiving requests for comparisons of lobbyists registered in Alabama, the following data was compiled for the last 15 years:

#### **15-YEAR COMPARISON OF REGISTERED LOBBYISTS & PRINCIPALS**

<b><u>YEAR</u></b>	<b><u>LOBBYISTS</u></b>	<b><u>PRINCIPALS</u></b>
1992	372	356
1993	368	359
1994	Records Unavailable	
1995	377	369
1996	435	476
1997	510	600
1998	561	681
1999	535	629
2000	551	468
2001	548	481
2002	508	569
2003	600	628
2004	565	631
2005	569	648
2006	597	687
<b>2007</b>	<b>659</b>	<b>781</b>

## Expenditures for Fiscal Year October 1, 2006 - September 30, 2007

EXPENDITURE	FY 06-07	13th Accounting Period	Outstanding Purchase Orders	TOTAL	Percent
Personnel Costs	706,662.00	0.00	0.00	706,662.00	53.90%
Employee Benefits	212,006.00	0.00	0.00	212,006.00	16.17%
Travel In-State	2,551.00	300.00	0.00	2,851.00	0.22%
Travel Out-of-State	0.00	3,000.00	0.00	3,000.00	0.23%
Repairs and Maintenance	674.00	1,326.02	0.00	2,000.02	0.15%
Rentals and Leases	95,524.00	975.00	1,079.13	97,578.13	7.44%
Utilities and Communication	15,829.00	18,801.98	0.00	34,630.98	2.64%
Professional Services	12,597.00	2,200.00	0.00	14,797.00	1.13%
Supplies, Materials, and Operating Expenses	36,390.00	13,802.00	3,632.36	53,824.36	4.11%
Transportation Equipment Operations	7,063.00	1,360.00	55.36	8,478.36	0.65%
Transportation Equipment Purchases	57,705.00	0.00	15,930.15	73,635.15	5.62%
Other Equipment Purchases	20,493.00	67,030.00	14,178.15	101,701.15	7.76%
	<b>1,167,494.00</b>	<b>108,795.00</b>	<b>34,875.15</b>	<b>1,311,164.15</b>	<b>100.00%</b>

The annual cost of the Alabama Ethics Commission (based on state population of 4.4 million) is 29.8 cents per person.

The annual cost of the Alabama Ethics Commission (based on 200,000 public officials and public employees covered by the Ethics Law) is \$ 6.56 per person.

Total FY 07 Budget Appropriation	1,373,223.00
Total FY 07 Expenditures	<u>(1,311,164.15)</u>
Estimated Reversion to General Fund	<u>62,058.85</u>

## **COMMISSION MEETING HIGHLIGHTS**

### **October 4, 2006, Montgomery, Alabama**

The Commission, chaired by Nancy Eldridge, rendered four Advisory Opinions and heard three cases. Two cases were handled administratively and one case was continued for further investigation.

### **December 6, 2006, Montgomery, Alabama**

The Commission rendered one Advisory Opinion and heard five cases. One case was closed, one case was handled administratively, and three cases were referred to the District Attorney.

### **February 7, 2007, Montgomery, Alabama**

The Commission rendered six Advisory Opinions and heard one case which was closed.

### **April 4, 2007, Montgomery, Alabama**

The Commission rendered one Advisory Opinion and heard one case which was referred to the District Attorney.

### **June 6, 2007, Montgomery, Alabama**

One Advisory Opinion was rendered by the Ethics Commission and two cases were heard during this meeting. Both cases were handled administratively.

### **August 1, 2007, Montgomery, Alabama**

At the August Commission meeting, two Advisory Opinions were rendered and two cases were heard, both were handled administratively. The Commission elected John H. Cooper, Esq. as Chair and Cameron McDonald Vowell, Ph.D. as Vice-Chair. The Commissioners then presented Nancy Edwards Eldridge with a "Plaque of Appreciation" for her service on the Commission. Meeting dates for 2008 were approved.

# DIGEST OF ADVISORY OPINIONS

## 2006

### AO-18

A newly-elected member of the Cherokee County Board of Education may continue to serve as a night school tutor for the school system subsequent to her taking her seat on the board; provided, the conditions of her employment as a night school tutor do not change upon her taking her seat; and, that she not vote, attempt to influence, or in any way participate in any board actions affecting the night school program or the distribution of the grant used to fund the night school program that affect her differently than all other night school tutors.

### AO-19

A Program Specialist with the Office of Adult Protective Services for the State Department of Human Resources may teach parenting, anger management, domestic violence and alternative behavior classes to clients recommended by the local court system, attorneys and local clergy, when this is not part of her job responsibilities with the Department of Human Resources (DHR), where there is no overlap between her outside employment and any services offered by the Department of Human Resources, and where there is no potential that DHR clients would be referred to her private business as clients; provided, that all activities relating to this employment are done on her own time, whether after-hours, weekends, etc.; and, that there is no use of any public equipment, time, materials, human labor or other public property under her discretion or control to either assist her in obtaining the opportunities or in performing the functions of the outside employment.

### AO-20

The former Director of the Alabama Building Commission may, upon his retirement from public service, accept employment with an architectural firm; provided, that he did not personally participate in the direct regulation, audit or investigation of that architectural firm for a period of at least two years prior to his leaving service with the Alabama Building Commission. For a period of two years after leaving the Alabama Building Commission, the former Director may not represent clients, including his new employer, in any matters before the Alabama Building Commission.

### AO-21

The spouse of a Department of Human Resources (DHR) Program Specialist in the Family Assistance Division may provide transportation for clients served by the program; provided, that the contract to provide the services is obtained through some form of written competitive bid; and, that the spouse employed by DHR plays no part in the contractual process, including but not limited to attempting to influence the awarding of the contract. A copy of any contract entered

into between the spouse and the Department of Human Resources must be filed with the Ethics Commission within ten days of the contract being awarded.

**AO-22**

A member of the Baldwin County Commission who, by virtue of his position on the Commission, serves as a member of the South Alabama Regional Planning Commission (SARPC), may, as a member of SARPC, including membership on SARPC's executive committee, vote on matters pertaining to SARPC programs and projects involving Baldwin County, as SARPC was formed to further the interests of its member entities, and the Commissioner's participation as a member of SARPC, as well as his membership on SARPC's executive committee, furthers the interest of the Baldwin County Commission.

# 2007

## AO-01

The Mayor of the City of Bay Minette may rent real property to the Bay Minette Career Center, when City funds are involved; provided, that the transaction is an arms-length transaction; that there is no other satisfactory space available; that the Mayor did not use his position to influence the decision to rent his property; and, where the Career Center instituted the transaction. A copy of the contract/rental agreement entered into between the Mayor of the City of Bay Minette and the Bay Minette Career Center, must be filed with the Ethics Commission within ten days after its having been entered into.

## AO-02

Withdrawn

## AO-03

The Mayor and City Council of the City of Piedmont, Alabama, may appoint an attorney to the Commercial Development Authority of the City of Piedmont, when that attorney does title work for the bank with which the Commercial Development Authority conducts its business; however, should the board vote to undertake a project involving the purchase of property to be financed by that bank, the attorney may not do the title work on that loan.

## AO-04

Withdrawn

## AO-05

A member of the City of Anniston Water Works and Sewer Board may submit a bid to perform work for an LLC, when that project involves a contract entered into between the LLC and the Water Works and Sewer Board; provided, that he did not vote, attempt to influence or otherwise participate in the original contract between the LLC and the Water Works and Sewer Board when he knew or had an understanding that he would be awarded the bid, when he intended on submitting a bid, or when he has had discussions with the members of the LLC regarding his interest in the bid prior to the vote on the contract between the Water Works and Sewer Board and the LLC. Should the member of the Water Works and Sewer Board be allowed to bid on the project with the LLC, and should he be the successful bidder, he may not vote, attempt to influence or otherwise participate in any aspect of the project while serving on the Water Works and Sewer Board. A member of the City of Anniston Water Works and Sewer Board may not use confidential information obtained in the course of his service on the Water Works and Sewer Board to assist him in bidding on the project with the LLC. This opinion addresses only the applicability of the Alabama Ethics Law to the facts as presented, and it does not discuss or attempt to interpret the applicability of 41-16-60, Code of Alabama, 1975.

## AO-06

The City of Linden, Alabama, and a member of the City of Linden Police Department, may enter into a rental agreement allowing the officer to live rent-free in a mobile home owned by the City and located on City property in exchange for the officer providing security for the City property during the officer's off-duty hours, when the arrangement is subject to a rental agreement made a

part of the officer's employment contract with the City, and clearly sets out the obligations of all parties concerned; and further, where a public interest is served.

**AO-07**

A member of the Choctaw County Commission may vote and otherwise participate in matters affecting the Choctaw County Sheriff's Department, when his brother serves as Sheriff of Choctaw County; provided, that his brother is not affected any differently than other members of the class to which he belongs—that class consisting of all employees of the Choctaw County Sheriff's Department. A member of the Choctaw County Commission may not vote, attempt to influence or otherwise participate in a matter that affects his brother, the Sheriff of Choctaw County, in a manner differently than it affects all other employees of the Choctaw County Sheriff's Department.

**AO-08**

No Opinion

**AO-09**

The wife of a member of the DeKalb County Commission may be offered and may accept the position of Revenue Enforcement Agent with the DeKalb County Commission; provided, that her husband, a Commission member, not vote, attempt to influence or in any manner participate in any aspect of the hiring process. In addition, the member of the County Commission may not take any action as a member of the County Commission that would affect his wife's employment any differently than it would affect that of all other County employees. The Alabama Ethics Commission has no jurisdiction over Section 11-3-5, Code of Alabama, 1975, and it is suggested that the requestor of this opinion contact the Attorney General's Office for the applicability of that section.

**AO-10**

A member of the Gulf Shores City Council, who has previously sold property to Colonial Properties for development, may vote and participate in a development being put together by Colonial Properties, when the development is not located on the property purchased from the Council member, and is in no way related to that prior transaction between the Council member and Colonial Properties.

**AO-11**

No Opinion

**AO-12**

The proposed policy submitted by Governor Bob Riley to the State Board of Education does not conflict with the Alabama Ethics Law, and there is nothing contained in the Alabama Ethics Law that would prohibit a State agency from instituting policies with stricter guidelines than those contained in the Alabama Ethics Law. It should be noted that this opinion deals merely with the propriety of an agency's institution of policies stricter than the Alabama Ethics Law, and in no way should be interpreted as addressing the specifics of those policies.

**AO-13**

An engineer with the Alabama State Port Authority may perform engineering services during his off-duty time for clients that have no dealings with the Alabama State Port Authority or who do not otherwise deal with the engineer in his official capacity with the State of Alabama.

**AO-14**

The Talladega County Board of Education may enter into a consulting contract with a firm employing the daughter of a School Board member; provided, that the Board member does not vote, attempt to influence or otherwise participate in any aspect of the contract between the Board of Education and the firm employing her daughter.

<p align="center"><b>ANNUAL COMPARISONS</b></p> <p align="center"><b>FISCAL YEARS 2005-2006 AND 2006-2007</b></p>
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	<u>Fiscal Year 2005-2006</u>	<u>Fiscal Year 2006-2007</u>
<b>Commission Meetings Held</b>	<b>6</b>	<b>6</b>
<b>Educational Programs Presented</b>	<b>40</b>	<b>52</b>
<b>Statements of Economic Interests Forms Received</b>	<b>33,975</b>	<b>45,012</b>
<b>Forms Viewed by the Public</b>	<b>720</b>	<b>983</b>
<b>Formal Advisory Opinions</b>	<b>23</b>	<b>15</b>
<b>Informal Advisory Opinions</b>	<b>44</b>	<b>61</b>
<b>Registered Lobbyists</b>	<b>597</b>	<b>659</b>
<b>Principals Represented by Lobbyists</b>	<b>687</b>	<b>781</b>
<b>Complaints Filed with Ethics Commission</b>	<b>224</b>	<b>198</b>
<b>Complaints Closed After Preliminary Inquiry</b>	<b>271*</b>	<b>205*</b>
<b>Cases Presented to Commissioners</b>	<b>27</b>	<b>14</b>
<b>Cases Closed by Ruling of Commissioners</b>	<b>5</b>	<b>2</b>
<b>Cases Forwarded to District Attorney or Attorney General</b>	<b>6</b>	<b>4</b>
<b>Administrative Penalties Assessed by Ethics Commission</b>	<b>13</b>	<b>7</b>
<b>Fines Assessed by Ethics Commission</b>	<b>\$6,350</b>	<b>\$3,100</b>
<b>Restitution Collected</b>	<b>\$14,767.03</b>	<b>\$2,674.47</b>
<b>Lobbyists' Fees Collected</b>	<b>\$45,500</b>	<b>\$47,800</b>
<b>Copies of Forms &amp; Lobbyists' Lists Fees Collected</b>	<b>\$3,756</b>	<b>\$2,054.95</b>
<b>General Fund Deposits</b>	<b>\$70,534</b>	<b>\$77,344.36</b>
<b>Staff Members</b>	<b>12</b>	<b>14</b>

(\*Includes complaints/cases that were received prior to October 1, but closed during the current fiscal year.)

# ALABAMA ETHICS COMMISSION COMMISSIONERS

## Commissioner

## Years Served

James H. Anderson, Esq.	1986-1992
Whit Armstrong	1991-1994
Dr. George E. Bagley	1973-1977 & 1978-1982
Raymond L. Bell, Jr., Esq.	2000-2005
Bester Bonner	1977-1981
Jack W. Boykin	1983-1988
Camille S. Butrus	1994-1999
H. Dean Buttram, Jr.	1992-1998
Michael K. K. Choy, Esq.	2005-2010
Donald Comer, III	1973-1976
John H. Cooper, Esq.	2003-2008
Neil O. Davis	1979-1984
Russell Jackson Drake, Esq.	1998-2003
Nancy Edwards Eldridge	2002-2007
Connie Entrekin	1973-1975
Henry B. Gray, III	1993-1998
Linda L. Green	2001-2007
Dr. James J. Hicks	1983-1989
Maynard Layman	1977-1980
Alto Lee, III	1973-1978
Helen Shores Lee, Esq.	1995-2000
William H. Lovin	1981-1985
Frank L. Mason	1992-1995
Lee McGriff	1989-1993
Dr. Sandra K. Martin McLeod	1985-1992
Lewis G. Odom, Jr., Esq.	1998-2002
James T. Pursell	1992-1998
Edward C. Sherling, Jr.	1981-1986
J. Harold Sorrells	1999-2004
Reverend John Vickers	1979-1982
Cameron McDonald Vowell, Ph.D.	2004-2009
J. Ray Warren	1987-1992
John H. Watson	1998-2002
Adolph Weil, Jr.	1979-1983
Dr. Leslie S. Wright	1973-1979
Dr. Cordell Wynn	1984-1991 & 2000

## ALABAMA ETHICS COMMISSION COMMISSIONERS

<b>Years Served</b>	<b>Commissioner</b>
1973-1976	Donald Comer, III
1973-1977	Dr. George E. Bagley
1973-1978	Alto Lee, III
1973-1979	Dr. Leslie S. Wright
1973-1975	Connie Entrekin
1977-1980	Maynard Layman
1977-1981	Bester Bonner
1978-1982	Dr. George E. Bagley
1979-1982	Reverend John Vickers
1979-1983	Adolph Weil, Jr.
1979-1984	Neil O. Davis
1981-1985	William H. Lovin
1981-1986	Edward C. Sherling, Jr.
1983-1988	Jack W. Boykin
1983-1989	Dr. James J. Hicks
1984-1991	Dr. Cordell Wynn
1985-1992	Dr. Sandra K. Martin McLeod
1986-1992	James H. Anderson, Esq.
1987-1992	J. Ray Warren
1989-1993	Lee McGriff
1991-1994	Whit Armstrong
1992-1995	Frank L. Mason
1992-1996	H. Dean Buttram, Jr.
1992-1997	James T. Pursell
1993-1998	Henry B. Gray, III
1994-1999	Camille S. Butrus
1995-2000	Helen Shores Lee, Esq.
1998-2002	John H. Watson
1998-2002	Lewis G. Odom, Jr., Esq.
1998-2003	Russell Jackson Drake, Esq.
1999-2004	J. Harold Sorrells
2000-2000	Dr. Cordell Wynn
2000-2005	Raymond L. Bell, Jr., Esq.
2001-2007	Linda L. Green
2002-2007	Nancy Edwards Eldridge
2003-2008	John H. Cooper, Esq.
2004-2009	Cameron McDonald Vowell, Ph.D.
2005-2010	Michael K. K. Choy, Esq.

## **ALABAMA ETHICS COMMISSION DIRECTORS**

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**1974 - 1994**

**Melvin Cooper, Director**

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**April - September 1994**

**Howard McKenzie, Acting Director**

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**1994 - 1997**

**E. J. “Mac” McArthur, Director**

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**February - April 1997**

**Hugh R. Evans, III, Acting Director**

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**1997 - Present**

**James L. Sumner, Jr., Director**

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